

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 4, 1997

DIVISION TWO

1474-97

THE HONORABLE LANCE A. ITO, Judge of the Superior Court, Los Angeles County, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division Two, as a justice thereof, from September 1, 1997 to November 30, 1997, and until completion of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated August 8, 1997

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council

B102972 L.D. Butler, Inc. (Not for Publication)
v.
Berlin, et al.

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Zebrowski, J.

DIVISION TWO (Continued)

B103925 Hollingsworth (Not for Publication)

v.
State of California, et al.

The trial court's order sustaining the demurrer is deemed to incorporate a judgment of dismissal in favor of all respondents. The judgment of dismissal is affirmed. Respondents are awarded costs on appeal.

Nott, J.

We concur: Fukuto, Acting P.J.
 Ito, J. (Assigned)

B106066 Wolf, Sherwin Fred, et al. (Not for Publication)

v.
Wolf, Robert S.

The orders of the probate court are affirmed.

Nott, J.

We concur: Fukuto, Acting P.J.
 Zebrowski, J.

B105064 Los Angeles County, D.C.S. (Not for Publication)

v.
Jesus D.

The guardianship orders are affirmed.

Nott, J.

We concur: Boren, P.J.
 Zebrowski, J.

DIVISION TWO (Continued)

B102867 Gozum, et al. (Not for Publication)
 v.
 Lim, et al.

The order sustaining respondent Lim's demurrer to the FAC is reversed in part as discussed in this opinion. The matter is remanded to the probate court. Action on the remaining causes of action against Lim is stayed pending resolution of the issues pursuant to Probate Code procedures and remedies. In all other respects the order sustaining the demurrers and all other orders challenged by appellants are affirmed. Each party is to bear its own costs on appeal.

Nott, J.

We concur: Boren, P.J.
 Zebrowski, J.

B103780 Baron (Not for Publication)
 v.
 Security Pacific National Bank

The matter shall be reversed and remanded to the trial court for a determination of the proper amount of attorney fees to be awarded to appellants with respect to the proceedings below and this appeal. The order denying the motion for sanctions is affirmed. Each party to bear its own costs on appeal.

Nott, J.

We concur: Fukuto, Acting P.J.
 Zebrowski, J.

September 4, 1997-Continued

DIVISION THREE

B104152 People (Not for Publication)

V.

Berry

The Court:

The trial court's June 17, 1996, finding that appellant violated probation, and subsequent orders revoking probation and lifting the suspension of execution of sentence, are reversed. The matter is remanded to the trial court for further proceedings, if any, consistent with this opinion.

Klein, P.J., Croskey, J., Aldrich, J.

B103101 People (Not for Publication)

V.

Bales

The Court:

The judgment is affirmed.

Klein, P.J., Croskey, J., Kitching, J.

B103280 People (Not for Publication)

V.

Zalaya

The Court:

The judgment is reversed.

Klein, P.J., Croskey, J., Kitching, J.

September 4, 1997-Continued

DIVISION THREE (Continued)

B106857 People (Not for Publication)
v.
Iglesias

The Court:

The judgment is modified by awarding an additional 17 days custody credit and 3 days conduct credit and, as modified, is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy thereof to the Department of Corrections.

Croskey, Acting P.J., Kitching, J., Aldrich, J.

[illegible]

The Court:

The judgment is modified by striking the one-year Penal Code section 667.5, subdivision (b) enhancement based on the December 7, 1994, receiving stolen property conviction in case No. GA021646 and, as modified, affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy thereof to the Department of Corrections.

Klein, P.J., Croskey, J., Kitching, J.

September 4, 1997-Continued

DIVISION FIVE

1442-97

THE HONORABLE FRANK Y. JACKSON, Judge of the Superior Court, Los Angeles County, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division Five, as a justice thereof, from September 1, 1997 to November 30, 1997, and until completion of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated August 15, 1997

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council

B105390 People (Not for Publication)
v.
Jesse Johnson

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
Godoy Perez, J.

B109036 Brennan Lee Price (Not for Publication)
v.
Robert Halfacre

The judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

September 4, 1997-Continued

DIVISION FIVE (Continued)

[illegible]

The conditions of probation are modified to delete the condition prohibiting appellant from being within a block of any school grounds. As modified, the judgment (order of wardship) is affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B103220 Kurt Von Hoffman (Not for Publication)
v.
Gerald H. Wiener, et al.

The judgment is affirmed. Respondents to recover costs on appeal.

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

B105309 People (Not for Publication)
v.
Refugia Ramirez

The judgment is affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

September 4, 1997-Continued

DIVISION FIVE (Continued)

B102743 People (Not for Publication)
v.
Santos Bolanos

The judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

B111755 People (Not for Publication)
v.
David Gutierrez

The judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

B108666 People (Not for Publication)
v.
Thomas P. Finn

The judgment is affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

September 4, 1997-Continued

DIVISION FIVE (Continued)

B095442 Donna J. Spencer (Not for Publication)
v.
Hanson Medical Group

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
Godoy Perez, J.

B104189 People
v.
Hawkins, Michael

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B099195 Audre Slater
v.
Santa Monica Rent Control Board

Filed order denying petition for rehearing.

DIVISION SEVEN

Court convened at 9:00 A.M.

Present: Lillie, P.J., Johnson, J., Woods, J., Neal, J., and Emma Jean Amos, Deputy Clerk.

Each of the following:

B099525 People v. Fashina and Jackson
B101181 People v. Toribio
B101669 People v. Montero
B103187 People v. Gonzalez and Gonzalez
B103972 People v. Nunez
B104244 People v. Leal
B105806 People v. Moore
B105985 People v. Morfin
B106180 People v. Haberman
B106729 People v. Terry
B106898 People v. Stoltman
B107093 People v. Smith and Smith
B107568 People v. Golden
B107762 People v. Sheppard
B109213 People v. Wade
B103205 People v. Hernandez
B108631 County of Los Angeles v. Reyna S.
B098412 Estate of Albert Page v. Page
B092324 Ricciardone v. City of Malibu

Argument waived, cause submitted.

B102559 People
 v.
 Estrada

Merits:

Argued by David B. Harrison for appellant and by Carol Jorstad, deputy attorney general, for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B105938 People
 v.
 Butler

Appearances:
Allen Weinberg for appellant and by Sunnie S. Lee, deputy attorney
general, for respondent. Argument waived, cause submitted.

B107269 People
 v.
 McKinley

Merits:
Argued by Brent Riggs, deputy district attorney for appellant and by Brian
Deamicis for respondent. Cause submitted.

B104470 People
 v.
 Martinez

Merits:
Argued by Mary G. Swift for appellant and by Karen L. Donald, deputy
attorney general, for respondent. Cause submitted.

B107486 Hannemann
 v.
 Krupp

Appearances:
Jonathan Gabriel for appellant and George Dalton for respondent.
Argument waived, cause submitted.

DIVISION SEVEN (Continued)

B091020 Alvarez
 v.
 Torrez

Merits:

Argued by Robert Dato for appellant and by Dennis H. Doss for respondent. Additional briefs requested from both parties, submission deferred pending filing of additional briefs.

B095716 Santa Clarita Associates
 v.
 Anderson, Ablon, Lewis, Bass and Gale

Merits:

Argued by Vincent Tricarico for appellant and by Roy G. Weatherup for respondent. Cause submitted.

B108750 Bilodeau
 v.
 Pacific Hospital of Long Beach

Merits:

Argued by Susan Weissman for appellant and by Dawn Cushman for respondent. Cause submitted.

B113633 Rose B.
 v.
 Superior Court of Los Angeles
 (Department of Children's Services, r.p.i.)

Merits:

Argued by Randall Pacheco for petitioner and by Jill Regal for real party in interest. Cause submitted.

DIVISION SEVEN (Continued)

B099542 Bohn
 v.
 Bagdasarian

Merits:
Argued by Ronald Martinetti for appellant and by George E. Ordonez for respondent. Cause submitted.

B100337 Sanbro, Inc.
 v.
 Farmers Group

Merits:
Argued by Adam Telanoff for appellant and by Brian Kirkorian for respondent. Cause submitted.

B103392 People
 v.
 Noriega

Oral argument continued to October 2, 1997, 9 A.M.

Court recess.

The Court reconvened at 2:00 P.M.

Present: Lillie, P.J., Johnson, J., Woods, J., Neal, J., and Emma Jean Amos, Deputy Clerk.

B096605 United Pacific Ins. Company
 v.
 First State Ins. Company
 (Transport Insurance.)

Merits:
Argued by David Hogopian for appellant and by John Williams and Steven Crane for respondents. Cause submitted.

DIVISION SEVEN (Continued)

B102323 Bin
 v.
 Budget Rent A Car

Merits:
Argued by Edmund G. Farrell for appellant and by F. Javier Trujillo for respondent. Cause submitted.

B099743 Garcia
 v.
 Figueroa

Merits:
Argued by Jean Ballantine for appellant and by Stephen E. Norris for respondent. Cause submitted.

B095951 Adair
 v.
 Adair

Merits:
Argued by Marjorie Fuller for respondent and Carl Osborne for appellant waived. Cause submitted.

B099726 Kim
 v.
 Han Kook Motors, Inc.

Merits:
Argued by Vincent Lord for appellant and by Steven Kim for respondent. Cause submitted.

September 4, 1997-Continued

DIVISION SEVEN (Continued)

B108930 Redondo Beach Unified School District
v.
City of Redondo Beach

Merits:

Argued by Joan Birdt for appellant and by Steven Kaufmann for respondent. Cause submitted.

B105566 Martin
v.
Bencangey

Oral argument continued to October 2, 1997, 2 P.M.

B104176 People v. Nelson
B094146 People v. Taylor and Atlas

Each:

Oral argument continued to October 2, 1997, 9 A.M.

B110637 Alicia A.
v.
DCFS

Oral argument continued to October 2, 1997, 10 A.M.

Court adjourned.